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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,682	07/15/2003	Sarah Elizabeth Witt	450110-04642	7074

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EXAMINER

BRIER, JEFFERY A

ART UNIT PAPER NUMBER

2628

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/619,682

Applicant(s)

WITT ET AL.

Examiner

Jeffery A. Brier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 16, and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed on 10/10/2006 has been entered. The amendments to the specification overcomes the objection to the specification set forth in the office action mailed on 7/25/2006. The amendments to claims 1, 16, and 17 gives the claims a useful and tangible result, thus, this portion of the 35 USC 101 rejection has been overcome.

Response to Arguments

2. Applicant's arguments filed 10/10/2006 concerning the 101 rejection of claim 17 have been fully considered but they are not persuasive because a computer readable medium includes the disclosed transmission medium of signals. The claim needs to be amended to claim computer readable storage medium.

3. Applicant's arguments filed 10/10/2006 concerning the 112 rejection have been fully considered but they are not persuasive because the specification describes step 1520 as "the background video is alpha blended with the foreground video using the foreground's alpha values to create image 1 of FIG. 9A" at page 17 which is not the same as the claimed "superpose said primitive-processed image signals over said image background".

4. Applicant's arguments filed 10/10/2006 concerning the 102 rejection have been fully considered but they are not persuasive because Kitsutaka does generate original foreground image signals and applying anti-aliasing filtering to edges of each primitive

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to generate primitive-processed image signals. Kitsutaka does describe the argued three elements, the image background (background at column 16 lines 62-65), the primitive-processed images (defocused original image or antialiased defocused original image) and the original foreground image (original image). Applicant should note the second processing is not claimed to be performed on the result of the first processing. Applicant should note anti-aliasing the edges of each primitive can be performed by an overall filtering of the primitive such as by defocusing.

Kitsutaka forms a foreground image or object from primitives which foreground image or object is further processed by anti-aliasing (column 14 line 67) and defocusing the foreground image or object formed by primitives thereby forming primitive processed image signals or which foreground image or object is further processed by defocusing which causes anti-aliasing to occur to the foreground image or object formed by primitives thereby forming primitive processed image signals. Kitsutaka also forms a background, column 16 lines 62-65, and places the primitive processed foreground image or object image signals upon the background. Kitsutaka also draws the original image or object onto the anti-aliased (column 14 line 67) and defocused foreground image or object or places the original image or object onto the defocused foreground image or object with reference to column 8 line 57 to column 9 line 14 and with reference to figure 2 with alpha-synthesis. Note applicant's specification with regard to step 1530 does not state how the original foreground image signals are drawn over the primitive processed image.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claim 17 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 17:

In view the "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" published on the USPTO website on October 26, 2005,

http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf

and published in the OG 22Nov2005

<http://www.uspto.gov/web/offices/com/sol/og/2005/week47/patgupa.htm>) this claim in non-statutory because page 17 line 16-18 defines the program storage medium as a transmission medium which is a signal.

Page 17 line 16-18 states:

It will be appreciated from the above that the invention may be implemented as computer software, which may be supplied on a storage medium or via a transmission medium such as a network or the internet.

Therefore, the specification defines program storage medium as a signal. In ANNEX IV Computer-Related Nonstatutory Subject Matter of the Interim guidelines a signal is held to be nonstatutory subject matter and since applicants carrier wave is a signal then these claims are nonstatutory.

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Applicant should note that amendments to the specification, such as deletion, may introduce new matter into the specification. Thus, an appropriate amendment to the claims is necessary to make the claims statutory.

Additionally the claim format of this claim does not follow the Interim Guidelines because the terms "program storage medium" and "video processing apparatus" does not manifest a computer readable medium and computer. See pages 50-55 of the Interim Guidelines.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-8, 16, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The following side by side chart correlates claim 1 with the specification.

Claim	Disclosed steps
Claim 1 (Currently Amended): A video processing method for preparing an anti-aliased foreground image for display over an image background, said method comprising: generating original foreground image signals by manipulation of a contiguous group of graphics primitives;	Step 1510, page14 lines 21-29, page 17 lines 1-15, figure 9A

applying anti-aliasing filtering to edges of each primitive of said group of primitives to generate primitive-processed image signals;	Step 1510, page 15 lines 16-32, page 17 lines 1-15, figure 9A
preparing said image background for display;	Step 1520, page 17 lines 1-15
first processing said primitive-processed image signals to superpose said primitive-processed image over said image background; and	????
second processing said original foreground image signals to superpose said original foreground image over said primitive-processed image.	step 1530, page 15 line 33 to page 16 line 13, page 17 lines 1-15, figure 9B

After reviewing the specification a corresponding step or description cannot be found for the claimed step "first processing said primitive-processed image signals to superpose said primitive-processed image over said image background". Thus, this claim does not clearly claim applicants invention. Claims 16 and 17 have the same issue. Dependent claims 2-8 do not correct this issue.

Additionally the claims are not clear what is being displayed in the display step because the specification describes displaying the results of step 1560 while the claim appears to be claiming to display the results of step 1530. Thus, the metes and bounds of the claim are unclear.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1, 16, and 17 rejected under 35 U.S.C. 102(e) as being anticipated by Kitsutaka, US Patent No. 7,042,463. Kitsutaka describes at column 8 line 57 to column 9 line 14 with reference to figure 2 defocusing an original image and then superposing the original image onto the defocused image. Kitsutaka also teaches at column 14 line 67 anti-aliasing the original image as it is generated. Kitsutaka also teaches at column 16 line 56 an alternative method of defocusing by offsetting the original image. Thus, due to the breadth of claims 1, 16, and 17 Kitsutaka teaches these claims. A detailed analysis follows.

Claim 1:

Kitsutaka teaches a video processing method for preparing an anti-aliased foreground image for display over an image background, said method comprising:

generating original foreground image signals by manipulation of a contiguous

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group of graphics primitives (*The image generating section 130 generates an image by the method of polygons which are graphics primitives, column 6 lines 62-67, column 7 lines 16-24, and column 7 line 65-column 8 line 2. The drawing processor 910 also generates graphics primitives. Column 14 line 55 to column 15 line 2.*);

applying anti-aliasing filtering to edges of each primitive of said group of primitives to generate primitive-processed image signals (*The drawing processor 910 also generates graphics primitives and can anti-alias the generated primitives. Column 14 line 55 to column 15 line 2. Anti-alias at column 14 line 67. Also defocusing the original image will anti-alias the edges of the primitive.*);

preparing said image background for display (*This system is designed for games which to one of ordinary skill in the art have foreground objects over a background. Also at column 16 lines 62-65 discusses a foreground object merging with the background. Thus, Kitsutaka teaches preparing an image background for display.*);

first processing said primitive-processed image signals to superpose said primitive-processed image over said image background (*The image generating section 130 generates an image by the method of polygons which are graphics primitives and performs various processing the polygons. The drawing processor 910 also generates graphics primitives and can in addition to anti-alias perform various processing on the polygons. Column 14 line 64-67. Also defocusing the original image will anti-alias the edges of the primitive. Thus, Kitsutaka teaches first processing by superposing the defocused original foreground object formed by primitives or by superposing the*

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defocused anti-aliased original foreground object formed by primitives onto the background .); and

second processing said original foreground image signals to draw said original foreground image over said primitive-processed image (*At column 8 line 57 to column 9 line 14 with reference to figure 2 the original image is drawn or superposed onto the defocused image by alpha-synthesis.*).

Claim 16:

This apparatus claim claims the same functions found in claim 1 and this claim is rejected for the reasons given for claim 1. Additionally Kitsutaka teaches the claimed apparatus for performing the claimed functions and these apparatus were addressed in the rejection of claim 1.

Claim 17:

This program storage medium claim claims the same functions found in claim 1 and this claim is rejected for the reasons given for claim 1. Additionally Kitsutaka teaches the claimed program storage medium at column 6 lines 36-42.

Allowable Subject Matter

11. Claims 2-8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A Brier whose telephone number is (571) 272-7656. The examiner can normally be reached on M-F from 7:00 to 3:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (571) 272-7664. The fax phone Number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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